

UNITED STATES DISTRICT COURT
District of Arizona

In the Matter of the Search of:

SUBJECT PARCEL: One large parcel wrapped in gift wrap bearing a USPS Priority Mail Express label tracking number EJ 836 787 674 US addressed to "Babi Nakai 3601 W. Melvin St. Apt #9 Pheonix, AZ 85009" with a return address of "Ian Stewart 1636 Chowen Springs Loop Great Falls, MT 59405." It is a large parcel wrapped in gift wrap bearing a USPS Priority Mail Express label measuring approximately 36" x 17.5" x 15"; weighing approximately 25 pounds 16 ounces; postmarked October 21, 2021; and bearing \$379.10 in postage.

SEARCH WARRANT

Case Number: 21-5247MB

TO: Michael Cunha and any Authorized Officer of the United States
Affidavit having been made before me by Affiant, Michael Cunha, UNITED STATES POSTAL INSPECTOR,
on the premises known as:

SUBJECT PARCEL: One large parcel wrapped in gift wrap bearing a USPS Priority Mail Express label tracking number EJ 836 787 674 US addressed to "Babi Nakai 3601 W. Melvin St. Apt #9 Pheonix, AZ 85009" with a return address of "Ian Stewart 1636 Chowen Springs Loop Great Falls, MT 59405." It is a large parcel wrapped in gift wrap bearing a USPS Priority Mail Express label measuring approximately 36" x 17.5" x 15"; weighing approximately 25 pounds 16 ounces; postmarked October 21, 2021; and bearing \$379.10 in postage.

in the District of Arizona there is now concealed certain property, namely, CONTROLLED SUBSTANCES AND/OR U.S. CURRENCY OR DOCUMENTS RELATING TO THE DISTRIBUTION OF CONTROLLED SUBSTANCES THROUGH THE UNITED STATES MAIL, IN VIOLATION OF TITLE 21, UNITED STATES CODE, SECTIONS 841(a)(1), 843(b) and 846, AS EVIDENCE OF SAID VIOLATIONS.

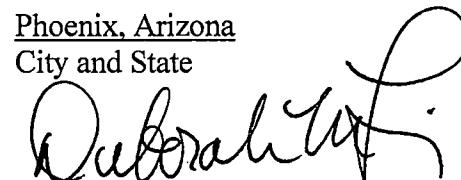
I am satisfied that the Affidavit establishes probable cause to believe that the property so described is now concealed on the premises above-described and establishes grounds for the issuance of this warrant.

YOU ARE HEREBY COMMANDED to search on or before 11/8/21 (Date)
(not to exceed 14 days) the premises named above for the property specified, serving this warrant and making the search in the daytime (6:00 a.m. to 10:00 p.m.), if the property be found there to seize same, leaving a copy of this warrant and receipt for the property taken, and to prepare a written inventory of the property seized and promptly return this warrant to any United States Magistrate Judge, District of Arizona as required by law.

Oct. 25, 2021 4:33 pm
Date and Time Issued

at

Phoenix, Arizona
City and State



Signature of Judicial Officer

HONORABLE DEBORAH M. FINE
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer

AO 93 (Rev. 11/18) Search and Seizure Warrant (Page 2)

Return		
Case No:	Date and Time Warrant Executed:	Copy of Warrant and Inventory Left With:
21-5247MB	10/26/21 @ 09:03 AM	USPS
Inventory made in the presence of:		
<u>Postal Inspector Michael Cunha and USPIS TFO Kevin Vanderwood</u>		
Inventory of the property taken and name of any person(s) seized:		
<p>Within Parcel EJ836787674US contained the following:</p> <ul style="list-style-type: none"> - Several boxes of a variety of childrens toys - one manila envelope - Within the manila envelope contained several sheets of blank writing paper and six (6) envelopes each containing \$1,000 in U.S. Currency for a total of \$6,000. 		
Certification		
<p>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</p>		
Date: <u>10/26/21</u>	<u>Michael Cunha</u> <i>Executing officer's signature</i>	
<u>Michael Cunha/ U.S. Postal Inspector</u> <i>Printed name and title</i>		

UNITED STATES DISTRICT COURT
District of Arizona

In the Matter of the Search of:

SUBJECT PARCEL: One large parcel wrapped in gift wrap bearing a USPS Priority Mail Express label tracking number EJ 836 787 674 US addressed to "Babi Nakai 3601 W. Melvin St. Apt #9 Pheonix, AZ 85009" with a return address of "Ian Stewart 1636 Chowen Springs Loop Great Falls, MT 59405." It is a large parcel wrapped in gift wrap bearing a USPS Priority Mail Express label measuring approximately 36" x 17.5" x 15"; weighing approximately 25 pounds 16 ounces; postmarked October 21, 2021; and bearing \$379.10 in postage.

I, Michael Cunha, being duly sworn, depose and state as follows:

I am a UNITED STATES POSTAL INSPECTOR and have reason to believe that on the premises known as:

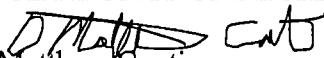
SUBJECT PARCEL: One large parcel wrapped in gift wrap bearing a USPS Priority Mail Express label tracking number EJ 836 787 674 US addressed to "Babi Nakai 3601 W. Melvin St. Apt #9 Pheonix, AZ 85009" with a return address of "Ian Stewart 1636 Chowen Springs Loop Great Falls, MT 59405." It is a large parcel wrapped in gift wrap bearing a USPS Priority Mail Express label measuring approximately 36" x 17.5" x 15"; weighing approximately 25 pounds 16 ounces; postmarked October 21, 2021; and bearing \$379.10 in postage.

in the District of Arizona there is now concealed certain property, namely, CONTROLLED SUBSTANCES AND/OR U.S. CURRENCY OR DOCUMENTS RELATING TO THE DISTRIBUTION OF CONTROLLED SUBSTANCES THROUGH THE UNITED STATES MAIL, which is CONTRABAND, THE FRUITS OF CRIME, OR THINGS OTHERWISE CRIMINALLY POSSESSED,

in violation of Title 21, United States Code, Sections 841(a)(1), 843(b) and 846. The facts to support the issuance of a Search Warrant are as follows:

SEE ATTACHED AFFIDAVIT OF MICHAEL CUNHA, WHICH IS MADE A PART HEREOF.

Authorized by AUSA D. Matthew Conti



Subscribed electronically and sworn to
telephonically

Oct. 25, 2021 4:33 pm
Date

HONORABLE DEBORAH M. FINE
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer

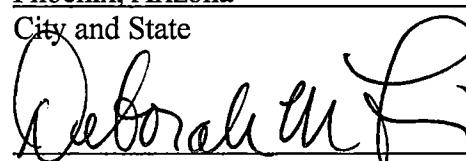
APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

Case Number: 21-5247mD

Michael Cunha | Digitally signed by Michael Cunha
Date: 2021.10.25 13:52:35 -07'00'

Signature of Affiant – Michael Cunha

at Phoenix, Arizona
City and State



Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF SEARCH WARRANT

I, Michael Cunha, being duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a United States Postal Inspector and have been so employed since September 2016. I have completed a 12-week basic training course in Potomac, Maryland, which included training in the investigation of narcotics trafficking via the United States Mail. I am currently assigned to the Phoenix Division, specifically to work Contraband Interdiction and Investigations (CI2) in Arizona, which is responsible for investigating narcotics violations involving the United States mail. My responsibilities include the detection and prevention of the transportation of controlled substances through the U.S. mail. Part of my training as a Postal Inspector included narcotics investigative techniques, chemical field-testing, and training in the identification and detection of controlled substances being transported in the U.S. mail.

2. I have assisted on narcotics investigations of individuals for violations of Title 18, United States Code, Section 1956(h) (Conspiracy to Commit Money Laundering), Title 21, United States Code, Sections 841(a)(1) (Possession with Intent to Distribute a Controlled Substance), 843(b) (Use of a Communication Facility to Facilitate the Distribution of a Controlled Substance), and 846 (Conspiracy to Possess with Intent to Distribute a Controlled Substance). The facts and information contained in this Affidavit are based on my training and experience, or that of other Postal Inspectors and law enforcement officers involved in this investigation as described below.

3. This Affidavit is made in support of an application for a search warrant for one large parcel wrapped in gift wrap bearing a United States Postal Service (USPS) Priority Mail Express label (referred to hereafter as the “**SUBJECT PARCEL**”). Based on a positive alert by a narcotics-detecting canine, I believe the **SUBJECT PARCEL** contains a controlled substance(s) or proceeds from the sale of controlled substances. However, because the purpose of this affidavit is merely to establish probable cause for the issuance of a search warrant, this affidavit does not contain all my knowledge regarding the **SUBJECT PARCEL**.

4. The **SUBJECT PARCEL** is further described as follows:

One large parcel wrapped in gift wrap bearing a USPS Priority Mail Express label tracking number EJ 836 787 674 US addressed to “Babi Nakai 3601 W. Melvin St. Apt #9 Pheonix, AZ 85009” with a return address of “Ian Stewart 1636 Chowen Springs Loop Great Falls, MT 59405.” It is a large parcel wrapped in gift wrap bearing a USPS Priority Mail Express label measuring approximately 36” x 17.5” x 15”; weighing approximately 25 pounds 16 ounces; postmarked October 21, 2021; and bearing \$379.10 in postage.

PROBABLE CAUSE

5. From my training and experience, as well as the training and experience of other Postal Inspectors, I am aware that the USPS mail system is frequently used to transport controlled substances and proceeds from the sale of controlled substances to areas throughout the United States. I also know that drug traffickers prefer mail/delivery services such as Priority Mail Express and Priority Mail because of their reliability and the ability to track the article’s progress to the intended delivery point.

6. Based on my training and experience regarding Priority Mail Express operations, I am aware that the Priority Mail Express service was designed primarily to fit the needs of businesses by providing overnight delivery for time-sensitive materials. Moreover, based on my training and experience, I am aware that business mailings often: (a) contain typewritten labels; (b) are addressed to and/or from a business; (c) are contained within flat cardboard mailers; and (c) weigh less than eight ounces. In addition, corporate charge accounts were developed by the United States Postal Service to avoid time-consuming cash payments by businesses for business mailings.

7. Based on my training and experience, I am aware that the Priority Mail service was created as a less expensive alternative to Priority Mail Express overnight delivery, but designed to provide quicker, more reliable service than standard First Class Mail. Whereas a customer mailing an article via Priority Mail Express expects next-day service, a customer who mails an article via Priority Mail can expect two-to-three-day delivery service. The USPS also provides a tracking service, which allows the customer to track the parcel and confirm delivery through a USPS tracking number.

8. Based on my training and experience regarding Priority Mail operations, I am aware that the majority of Priority Mail mailings are business mailings. Businesses have found that Priority Mail is a significantly less expensive method of mailing than Priority Mail Express, particularly when next-day service is not a requirement. I also know that, similar to Priority Mail Express, Priority Mail business mailings tend to be smaller, lighter mailings, and on average, weigh less than two pounds. Examples of the typical

types of business mailings conducted via Priority Mail include books, clothing, pharmaceuticals, and consumer goods purchased from online retailers.

9. From my training, personal experience, and the collective experiences related to me by other Postal Inspectors who specialize in investigations relating to the mailing of controlled substances and proceeds from the sale of controlled substances, I am aware that the State of Arizona is a source location for controlled substances based on its close proximity to the border between the United States and Mexico. As such, controlled substances are frequently transported from Arizona via USPS, and proceeds from the sale of controlled substances are frequently returned to Arizona via USPS.

10. Based on my training and experience regarding the use of Priority Mail Express and Priority Mail to transport controlled substances and/or the proceeds from the sale of controlled substances, I am aware these parcels usually contain some or all of the following characteristics:

- a. The parcel contains a label with handwritten address information and is addressed from one individual to another individual;
- b. The handwritten label on the parcel does not contain a business account number, thereby indicating that the sender likely paid cash;
- c. The parcel is heavier than the typical mailing, often weighing more than eight ounces for Priority Mail Express, and two pounds for Priority Mail; and
- d. The parcel either: (a) was destined for an area known to be a frequent destination point for controlled substances, having been mailed from an

area known to be a source area for controlled substances; or (b) originated from an area known to be a frequent origination point for proceeds from the sale of controlled substances, having been mailed to an area known to be a destination area for proceeds from the sale of controlled substances

11. Priority Mail Express and Priority Mail parcels found to meet any or all of the characteristics described above are often further scrutinized by Postal Inspectors through address verifications and an examination by a trained narcotics-detecting canine.

RELEVANT FACTS PERTAINING TO THE SUBJECT PARCEL

12. On October 22, 2021, Postal Inspectors identified and profiled the **SUBJECT PARCEL** at the Phoenix Processing and Distribution Center (Phoenix P&DC) located at 4949 E Van Buren St., Phoenix, AZ 85026 being mailed to an address in Phoenix, AZ. USPIS investigators investigated the characteristics of the **SUBJECT PARCEL** and believed it warranted further investigation.

13. Upon physical examination of the **SUBJECT PARCEL**, the **SUBJECT PARCEL** met some of the characteristics listed in Paragraph 10 above. Specifically, 1) the **SUBJECT PARCEL** bears handwritten label information addressed from one individual to another individual, 2) the **SUBJECT PARCEL** weighs approximately 25 pounds and 16 ounces, 3) the **SUBJECT PARCEL** originated from an area known to be a frequent origination point for proceeds from the sale of controlled substances, having been mailed to an area known to be a destination area for proceeds from the sale of controlled substances, and 4) the postage charge for the **SUBJECT PARCEL** had been paid in cash. Based on my training, experience, and the collective experiences related to

me by other Postal Inspectors who specialize in investigations relating to the mailing of controlled substances and proceeds from the sale of controlled substances, I am aware the State of Arizona is frequently a source location for controlled substances which are mailed to the State of Montana, and proceeds from the sale of controlled substances are frequently returned to Arizona from Montana via USPS.

14. A database query was conducted regarding the names and addresses for the **SUBJECT PARCEL** in Consolidated Lead Evaluation and Reporting (CLEAR), a law enforcement database accessible to your Affiant. CLEAR associates addresses and telephone numbers to individuals and business entities. The CLEAR database is created from credit reports, law enforcement reports, utility records, and other public records.

15. Through the CLEAR database query, investigators learned the recipient address for the **SUBJECT PARCEL**, 3601 W Melvin St. Apt #9, Phoenix, AZ 85009 is an existing, deliverable address, but Babi Nakai (Nakai) is associated to Apt. #10 and not Apt. #9. A law enforcement database search shows an individual by the name Kevin Bell (Bell) has an active warrant for violation of a court order from Phoenix P.D. According to the warrant, Bell's last known address was 3601 W. Melvin St. Phoenix, AZ 85009. Bell was previously convicted in Mineral County District Court in the State of Montana of Criminal Distribution of Dangerous Drugs on September 7, 2021. Through a CLEAR database query, investigators learned that Nakai and Bell have both been associated with 616 3rd Ave. NW, Great Falls, MT 59404 and 1432 West Rd. Trlr D, Helena, MT 59602, but both were associated with those addresses during different time periods. Through a CLEAR database query, investigators learned the return address for the **SUBJECT**

PARCEL, 1636 Chowen Springs Loop Great Falls, MT 59405 is an existing, deliverable address, but Ian Stewart is not associated to that address.

16. From my training, personal experience, and the collective experiences related to me by other Postal Inspectors who specialize in investigations relating to the mailing of controlled substances, I know it is common for drug traffickers to intentionally leave off the sender's name and the return address, use names not associated with an address, or utilize fictitious names and addresses to evade detection by law enforcement. On the other hand, I know that when drug traffickers send proceeds relating to the sale of controlled substances back to the source states, it is common for them to send parcels containing cash to legitimate addresses and utilize the appropriate return address to increase the likelihood that the proceeds will be returned to the drug trafficker in the event the parcel is returned to the sender.

CANINE EXAMINATION OF THE SUBJECT PARCEL

17. On October 25, 2021, the **SUBJECT PARCEL** was inspected by City of Peoria Police Department ("PPD") Canine Handler/Detective Kevin Vanderwood and Detective Vanderwood's drug detecting canine "Eero" at the USPIS office located at 111 W. Monroe ST Suite 900 Phoenix, AZ 85003. At approximately 9:56 AM, Eero alerted to the **SUBJECT PARCEL** by sitting and staring at the **SUBJECT PARCEL**.

18. Detective Vanderwood explained that Eero's positive alert, sitting and staring at the **SUBJECT PARCEL**, is a "passive" alert that Eero has been trained to give. Detective Vanderwood further explained that the passive alert indicates the presence of a

controlled substance and/or currency, notes, documents or other evidence bearing the presence of the odors of a controlled substance within the **SUBJECT PARCEL**.

19. Detective Vanderwood also explained that he is a PPD Detective currently assigned to the handling and care of PPD drug detecting canine Eero. Detective Vanderwood has been a canine handler since August 2009. Eero is a three-year-old German Wirehair Pointer who has been working narcotics detection for PPD since March 2020. Eero and Detective Vanderwood currently hold a National Certification in narcotics detection by the National Police Canine Association (NPCA). This is a yearly certification and they were last certified in March 2021. Detective Vanderwood has completed AZ POST Certified K-9 Academy in August 2009 offered by the Phoenix Police Department. Eero has had approximately 130 hours of narcotics detection training on Marijuana, Cocaine, Heroin, and Methamphetamine. Eero and Detective Vanderwood attend weekly in-service training in narcotics detection to maintain proficiency. Detective Vanderwood and Eero have conducted over 200 successful finds (both training finds or finds which have contributed to active investigations) of controlled substances or the proceeds from the sales of controlled substances.

CONCLUSION

20. Based on these facts, there is probable cause to believe that the **SUBJECT PARCEL** described in Paragraph 4 above contains controlled substances or proceeds from the sale of controlled substances, constituting evidence of violations of Title 18, United States Code, Section 1956(h) (Conspiracy to Commit Money Laundering), Title 21, United States Code, Sections 841(a)(1) (Possession with Intent to Distribute a Controlled

Substance), 843(b) (Use of a Communication Facility to Facilitate the Distribution of a Controlled Substance), and 846 (Conspiracy to Possess with Intent to Distribute a Controlled Substance)..

21. This affidavit was sworn telephonically before a United States Magistrate Judge legally authorized to administer an oath for this purpose.

Michael Cunha

Digitally signed by Michael Cunha
Date: 2021.10.25 13:52:58 -07'00'

Michael Cunha
United States Postal Inspector

Subscribed electronically and sworn to telephonically on this 25 day of October, 2021
4:33 pm


HONORABLE DEBORAH M. FINE
United States Magistrate Judge